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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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1444 7590 06/23/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303				
EXAMINER				
BENGZON, OREG C				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/035,321

Applicant(s)

DROR ET AL.

Examiner

GREG BENGZON

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 10, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7, 10, 33-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This application has been examined. Claims 2-7, 10, 33-34 are pending.
Claims 1,8,9,11-32 are cancelled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/04/2008 has been entered.

Priority

The effective date of the subject matter in the claims in this application is January 4, 2002.

For purposes of examination, as per DECLARATION UNDER 37 CFR 1.131 filed 07/12/2006 the priority date assigned to the subject matter in the claims is July 25, 2001.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7, 10, 33-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (US Patent 6421733) in view of Mason (US Patent 7089330) further in view of Kalra et al. (US Patent 6490627) further in view of what was well-known in the networking art.

Tso disclosed (re. Claim 33) receiving a request from a client to a server via a network in accordance with a Hypertext Transfer Protocol (HTTP) to stream a certain portion of a media file of a given type; (Tso-Column 3 Lines 10-15) passing the request to a servlet running in conjunction with the server; (Tso-Column 3 Lines 10-15) parsing the request using the servlet to select a segment of the media file (Tso-Column 12 Lines 60-65) to be transferred to the client and streaming the identified segment from the server to the client as a HTTP response.(Tso-Column 3 Lines 10-15)

While Tso substantially disclosed the invention, including dynamically loaded transcoding service modules using open software architecture (Tso-Column 4 Lines 20-30) Tso did not disclose (re. Claim 33) wherein the servlet is a platform-independent class that is compiled to platform-neutral bytecode and is loaded dynamically into and run by the server;

Mason disclosed (re. Claim 33) wherein the servlet is a platform-independent class that is compiled to platform-neutral bytecode and is loaded dynamically into and run by the server; (Mason-Column 8 Lines 45-55)

Tso and Mason are analogous art because they present concepts and practices regarding transformation of web content. At the time of the invention it would have been obvious to combine Mason into Tso. The motivation for said combination would have been to enable web pages to incorporate custom tags and benefit from advantages of said custom tags. (Mason - Column 2 Lines 50-60).

The Examiner notes that Tso Column 7 Lines 30-45 disclosed identifying a format of the media file.

Thus, the combination of Tso-Mason disclosed (re. Claim 33) a *servlet class* (Mason-Column 8 Lines 45-55) *to parse the request* (Tso-Column 6 Lines 35-45) *in order to identify the portion of the media file requested by the client and to identify a*

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format of the media file; (Tso Column 7 Lines 30-45)

Tso-Mason did not disclose (re. Claim 33) wherein the segment of the media file comprise an ordered sequence of frames, and wherein selecting the segment comprises selecting a range of frames within the sequence.

Kalra disclosed several of the claim limitations as Tso such as determining a limitation on a media playing capability of the client and transcoding (Kalra- Column 19 Lines 50-55) at least one of the elements of the media file into a desired media format.

Kalra disclosed indexing a media file for deciding on which frames should be transmitted. (Kalra-Column 18 Lines 30-55)

In addition, Kalra disclosed (re. Claim 33) wherein the segment of the media file comprise an ordered sequence of frames, (Kalra- Column 10 Lines 25-30, Kalra-Column 18 Lines 30-55) and wherein selecting the sequence of frames comprises selecting a range of frames within the sequence. (Kalra-Column 5 Lines 15-20, Kalra-Column 18 Lines 30-55)

Tso,Mason and Kalra are analogous art because they present concepts and practices regarding transcoding web content. At the time of the invention it would have been obvious to combine Kalra into Tso-Mason. The motivation for said combination would have been, as Kalra suggests (Kalra- Column 1 Lines 25-30), to provide compact

and distortion-free streaming media that is matched to the computational power available.

Tso-Mason-Kalra disclosed (re. Claim 2) wherein parsing the request comprises determining a processing action to be applied to the frames in the selected range, (Tso-Column 2 Lines 45-50, Column 12 Lines 60-65) and wherein streaming the identified elements comprises applying the processing action to the frames in the selected range.

Tso-Mason-Kalra disclosed (re. Claim 3) wherein parsing the request comprises determining a parameter applicable to the processing action (Tso-Column 5 Lines 35-40, Column 6 Lines 35-40, Kalra-Column 18 Lines 30-55), and wherein applying the processing action comprises processing the frames in the selected range responsive to the parameter. (Kalra-Column 18 Lines 30-55)

Tso-Mason-Kalra disclosed (re. Claim 4) wherein determining the parameter comprises determining a limitation on a media playing capability of the client, (Tso-Column 7 Lines 20-25) and wherein the processing action comprises modifying the the frames in the selected range in response to the limitation;

Tso-Mason-Kalra disclosed (re. Claim 5) wherein determining the limitation comprises identifying a network bandwidth, (Tso-Column 7 Lines 35-40) and wherein

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modifying the frames in the selected range in response to the limitation comprises altering the frames in the selected range responsive to the network bandwidth;

Tso-Mason disclosed (re. Claim 6) wherein determining the limitation comprises determining a resource level provided by the client, (Tso-Column 7 Lines 20-25) and wherein modifying the frames in the selected range comprises selecting the frames in the selected range responsive to the resource level;

Tso-Mason-Kalra disclosed (re. Claim 7) wherein applying the processing action comprises transcoding (Tso-Column 7 Lines 20-25) the frames in the selected range into a desired media format;

Tso-Mason-Kalra disclosed (re. Claim 10) wherein the media file comprises a plurality of media tracks temporally juxtaposed in parallel (Kalra- Figure 2B), and wherein parsing the request comprises selecting one or more of the tracks. (Kalra – Column 16 Lines 15-20)

Tso-Mason-Kalra disclosed (re. Claim 34) wherein parsing the request comprises seeking to a location in the media file specified by the request, (Kalra-

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Column 24 Lines 60 thru Column 25 Lines 15) so as to stream the frames from the location without streaming previous parts of the file. (Kalra-Column 23 Lines 20-55)

Response to Arguments

Applicant's arguments filed 04/04/2008 have been fully considered but they are moot in view of the new grounds for rejection.

The Applicant presents the following argument(s) [*in italics*]:

Kalra does not teach or suggest identifying a segment of an ordered sequence of frames and selecting a range of the frames in the media file, as is recited in claim 33. On the contrary, all of Kalra's segments contain the same sequence of frames, but at different resolution levels.

The Examiner respectfully disagrees with the Applicant.

Kalra disclosed indexing a media file for deciding on which frames should be transmitted. (Kalra-Column 18 Lines 30-55) Kalra also disclosed wherein the user is

able to change the selected sequence of frames. (Kalra-Column 24 Lines 60 thru Column 25 Lines 15) .

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/G. B./
Examiner, Art Unit 2144

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144

